

AGENTS FOR THE PACIFIC NEWS.
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AGENTS WANTED IN every City, Town and Village, to whom liberal advantages will be given. Orders for the PACIFIC NEWS will be given, and the cash paid to the agent. The PACIFIC NEWS will be sent to the agent as soon as it is received. A STEAMER EDITION will be issued semi-monthly on the sailing of each Mail Steamer.

The Lynch-Law Excitement.

The scenes and excitement in our city for the past two or three days, certainly afford a serious subject for thought and comment. We have seen the courts of justice, and their officers, stopped in the performance of their duties, and if not forced to obey the mandates of an infuriated crowd—we will not say infuriated without cause—at least to defer to the popular will, regardless of what they might have supposed was demanded of them by the Constitution and Laws which they were sworn to support and defend. We have seen a motley crowd demanding of these officers the surrender of men accused of crime, to whom they were bound by their oaths to give an impartial hearing, and "true deliverance make," and this demand has only been resisted by delay consequent upon the variety of propositions made by the people themselves. Such things are surely to be seriously contemplated.

It is a well-established fact, made so by dear-bought experience in localities that might be cited as salutary examples, that no organization for the protection of society ever did exist, and that no State or community ever has been prosperous, without strict obedience to the laws of the land, relying upon the constituted powers to remedy any defect when the laws shall have been found insufficient in their operation for the protection of the rights of citizens. California struggled long, and at last successfully, for admission as a member of the American Republic. Why was that admission sought and what was the great object to be attained? Was it merely to add another star to the banner that floats on every wind of every sea, or was it to secure the protection of a constitutional federal government, under which the citizen might feel that he was safe in the enjoyment of property and personal liberty?

We are now within that glorious confederacy. We have framed and adopted a constitution of our own, which guarantees personal security, and provides that:

"No person shall be held to answer for a capital or infamous crime, unless on presentment or indictment of a grand jury; and in any trial in any court whatever, the party accused shall be allowed to appear and defend in person and with counsel, as in civil actions."

Is there no meaning to this plain declaration of rights? Is not every honored citizen bound in honor and good conscience to carry this out in perfect faith? Does not the question come home seriously, gravely, to every man in community, whether we shall maintain that system of constitutional law and order which we have ourselves adopted, and under which we can all feel safe, or whether we will ruthlessly and recklessly break down these great bulwarks so dear to every citizen? There is no middle or half way course. It must be one thing or the other. We must abide by the law, or abandon it altogether, and resolve ourselves into a state of universal anarchy, and we shall shed bitter tears over the confusion which must inevitably follow. One system will not answer for to-day, and another for to-morrow. If the execution of the law is to be resisted as to one individual who can rightfully claim it, it will be in another case.

It has been well said, that the common law we have adopted is such, that "there is none so powerful as to be beyond its reach, and none so mean as not to feel its care." Withdraw its shield from over those who may be as deep in iniquity as the foulest criminal, and the innocent must suffer as well as the guilty.

The Declaration of Rights prefixed to the Constitution of the State, proclaims that the "right of trial by jury shall be secured to all, and remain inviolate forever." Does this mean a "trial by jury" as prescribed by law, or a trial instituted by a congregation of men in the streets, clamoring for conviction? Who are to be the Judges? Those elected by the people, and acting under their oaths of office, or judges nominated by an irresponsible assembly? If we would maintain our present proud position, if we would go on in a career of prosperity unknown to the civilized world, there can be but one response to these questions, and that in favor of sustaining law and order at all hazards.

In reference to the particular case which has called forth these remarks, but little is required to be said. Our language applies to this instance, as well as to every other. The moral sense of the community has been outraged, and we do not wonder that public feeling should be indignantly aroused. The crowd which has assembled for the past two days, is not composed of the *canaille* of society, but prominent are hundreds of our best citizens, whose hearts are right, whose intentions are the most commendable, but whose feelings have been aroused at the repetition of gross outrages in our midst, and the uncertainty which hangs over the punishment of crime. These men have no other wish than to do right, and in the justice of their cause they have the sympathies of every man. But one wrong should not be done, for fear that the evil-doer may not be punished.

We are aware that in making these remarks, we are running contrary to the feelings of nine-tenths of our readers. But our is the only doctrine that will wear; it is the only principle upon which we can sustain ourselves, and be respected as a community or a State. We would not screen the guilty. If the men accused of the foulest

crime known to our laws, whose ears have been greeted for forty-eight hours with the cry of "hang them," for whose necks the ropes have been prepared, are guilty of the offence, they should be hung between the heavens and the earth; and was the gallows to be cheated of its victims, for the lack of an executioner, our own hands should attach the rope, and touch the spring that should make quick work of the guilty. But, men of California, commend not to the lips of others, the chalice which shall be overpowering when presented to your own. Take care that you make the bed of Justice as you would prefer to lay upon it yourselves.

Our Criminal Laws.

The intense excitement that for two days and nights has pervaded the City of San Francisco from its centre to its circumference, ought not to be disregarded by those to whom the people look for the enactment of adequate laws to protect lives and property, and to administer speedy punishment to the guilty.

The frequency of murder and outrage, of robbery and other heinous crimes, and the fact that in hardly a single instance has conviction or punishment been meted to the guilty, has produced a crisis that threatens to lead to the most deplorable results—to acts of popular vengeance, the very contemplation of which causes a thrill of horror to tingle the veins of every individual in the community. The sentiment which actuates the people springs from the purest fountain of law, and order, and justice. It shows how deeply implanted in every American heart is the love of good government,—how firm is the regard and confidence which is extended to the tribunals the people themselves have created for their protection and happiness. But these tribunals must not so fulfil or neglect to fulfil their important and responsible functions as to engender in the public mind a distrust fatal alike to good order and the respect ever due to an impartial administration of the laws.

But the cup at last has overflowed, and a feeling that these tribunals are powerless to afford security, has brought sober and thinking men to consider seriously whether the execution of the laws should not be taken into the hands of the people—and whether a crisis has not arrived when safety can only be secured by some terrible act of public justice.

But strong as may seem the necessity for superseding the regular course of justice in the courts, by popular action,—once the passions of men overlap the bounds of constitutional law, and anarchy reigns supreme. There can be no bounds set where the tide of vengeance will stop. The men against whom opinion now sets so strongly, may be—we believe them to be—guilty of a crime for which the punishment of death is well deserved, and may be executed; if so, where will be the end? Others far more guilty—against whom the charge of murder is as clearly evident as the sunlight of heaven—are now walking our streets, armed to the teeth, and defiant of public opinion. If those who committed the outrage upon Mr. Jensen are to suffer an extreme penalty, why should known murderers walk our streets with impunity? Such discrimination would be the rankiest injustice to the least guilty.

Our courts are less in fault than our laws. The criminal code fails to meet the requirements of public justice. Thousands of escaped convicts from the penal settlements of Great Britain, as well as scoundrels of every die from other countries, and the cities of our own, have been attracted to this State by the hope of gain, or that they may pursue more securely, their plans of plunder and outrage.

The criminal laws, then, must be revised at once, and adapted to a condition of society where punishment to be effectual must follow the commission of crime as speedily as the thunder follows the lightning's flash. We have no prisons in which to keep securely the horde of lawless men who are in our midst, and we must therefore provide for the punishment, capitally, of burglary, robbery, and other heinous offences, in the wise discretion of a jury.

The legislature is now in session and prompt action can be obtained by making known to that body the necessity which exists for the enactment of additional safeguards for life and property. But until the laws be amended by the legislature, in the name of just heaven let not the floodgates of popular passion be let loose to ruin and devastate the fair face of this glorious land—a land destined, we humbly trust, to be the happy home of millions of free, law-loving and law-abiding American citizens.

Melancholy Suicide.

We are pained to announce the death by violence inflicted by his own hand, of JAMES C. HOLMES, Esq., on Saturday morning last. He resided at a house near Broadway above Kearney street, and about 8 o'clock in the morning the report of a pistol was heard in his room, and on entering, his friends found him weltering in his blood. Appearances indicated that the pistol had been placed close to the left temple, the ball passing into the brain. The skull was badly fractured, and the brain laid bare.

Drs. D'OLIVERA, SMITH, and GRAY were called, but they gave it as their opinion that there was no hope of saving his life. He lingered until night, when he died.

The cause of the rash act, was pecuniary embarrassments under which he had been laboring for some weeks, and which no doubt caused temporary insanity. Mr. Holmes was from New York city, and had been in California for nearly two years. He was about 24 years of age, and was highly esteemed by all who knew him.

One of the dailies of Saturday morning, says an attempt was made to dislodge Mr. SWANN from his building on telegraph hill. We are requested by that gentleman to say that no such occurrence took place,

Great Excitement—Threatened Lynching—The People Aroused.

For the past two or three days, our city has been one continued scene of excitement, such as we have not before witnessed since our arrival in San Francisco. Crowds of men have gathered in the streets and in the saloons, excitedly discussing the disgraceful and villainous outrages which have been committed in our midst, until, on Saturday, the people rose in their might, and manifested a determination to punish, in the most effectual and summary manner, the perpetrators who have been stopt in their career by falling into the hands of justice.

The more immediate cause of the existing excitement, was the recent attempt to kill, and the robbery of, Mr. JENSEN, and the shooting of the Frenchman at the Adelphi Theatre, on Monday evening last; both outrages of the most deliberate and murderous character, and both alike without any mitigating circumstances. Saturday afternoon, an examination was held before Justice SHEPHERD, of the two Australian men, Stuart and Wildred, in the Recorder's court room, on the charge of assaulting and robbing Mr. JENSEN, the room and the balcony being crowded by spectators, until finally the crowd filled every avenue leading to the court room, and blocked up the streets.

At the close of the examination something was said about admitting them to bail, when the crowd, incensed at such a prospect, made a rush for the prisoners, breaking down benches, desks, railing and everything which impeded their progress, driving the police officers before them. Fortunately for the culprits, the Washington Guards, who had been parading in honor of the day, happened to be near at hand, and on being called on by the authorities, drove back the crowd, and cleared the court room at the point of the bayonet. But for this, both of the accused would have been striding between heaven and earth, within the next fifteen minutes, at the end of strong hempen cord, already prepared for the occasion, and in the hands of determined men. While the Guards were driving back the crowd, the prisoners were taken out the back way, and let down through a trap door into the station house below.

During the afternoon, a handbill had been circulated through the streets, of which the following is a copy:

CITIZENS OF SAN FRANCISCO.
The series of murders and robberies that have been committed in this city, without the least remorse from the lawless, is a disgrace to our civilization. "When thieves are left without control to rob and kill, then does the honest traveler fear each block a mine." It is a disgrace to our civilization, and it is a disgrace to our law, that it is not more effectually enforced. We are to be robbed and assassinated in our own streets, and the law to let our aggressors perambulate the streets, merely because they have furnished a bail. If so, let "each man be his own executioner." "Be upon your laws," they have no force.

All the men who are in our city of its robbers and murderers, will assemble on Sunday, at 2 o'clock, on the Plaza.

Notwithstanding the prisoners had escaped for the time being, the crowd did not disperse, but continued to receive accessions until they numbered three or four thousand, surrounding the court house, and completely blocking up the adjoining streets.

An organization was then perfected, by appointing W. D. M. HOWARD, Esq., Chairman, when S. BRANNAN, Esq., came forward and addressed the crowd, detailing the outrages, and speaking in truthful terms of the looseness and incompetency of the Courts of Justice to protect our citizens from them; and urging, as a last resort, and as the only means of self-protection, that the people must take the law into their own hands, and inflict such punishment as would deter the lawless villains in the future.

He was followed by MALACHI FALLOX, the City Marshal, who exhorted the crowd to wait the result of the examination to be continued on Monday; not to disgrace themselves by a resort to mob law; to pay obedience to order and good government. The Marshal could scarcely be heard for the howlings and hissings of the crowd, and was finally compelled to give way because of the tumult.

Judge TILFORD came forward and stated that there was some doubt as to the guilt of Wildred, as Mr. Jensen had not distinctly recognized him, but that he satisfactorily identified Stuart as the villain who struck him. The crowd then cried out for the deliverance of the latter into their hands for summary punishment. Judge Morse attempted to make a law and order speech, but after a minute or two, his voice was drowned by the yelling of the crowd.

At this stage Mayor GEARY made his appearance upon the balcony, and addressed the incensed and excited people. He urged moderation; said that the prisoners were in safe custody, and that he would pledge his honor and life to his assembled fellow citizens that they should be forthcoming when the courts of justice had made the necessary examination. But the multitude were too much excited to listen quietly even to their Chief Magistrate, and he was forced to give way to the popular clamor.

Finally a motion was made to appoint a committee of twelve men, to act with the authorities, and see that the prisoners were properly guarded. The following citizens were put upon the committee:

Wm. D. M. HOWARD, Samuel Brannan, A. J. Ellis, H. F. Teschmaker, Wm. H. Jones, Benjamin Ray, E. A. King, A. H. Sibley, J. L. Folson, F. W. Macdonald, Ralph Dorr, Theodore Payne, Talbot H. Green, J. B. Huie.

After the appointment of the committee, the main portion of the crowd dispersed, but angry and excited gatherings could be seen throughout the evening.

At 7 o'clock, the committee appointed by the meeting, assembled in the Recorder's office, and proceeded to deliberate upon the proper course to pursue. W. D. M. HOWARD was selected as Chairman, and THEODORE PAYNE, Secretary. An investigation was had as to the manner in which the prisoners were now secured, when they were found in

the Recorder's private room, having been removed there by the Marshal, when the excitement was the greatest, and were without iron, and only one man to guard them, and with no light in the room. After some discussion, a committee, consisting of the following citizens, was appointed, to perform patrol duty, in connection with the police, to guard the prisoners:

F. A. Woodworth, John Syme, Cyrus Palmer, A. Wardwell, Solomon Purly, Thomas McCall, Charles R. Bond, R. Wingard, Wm. Kettell, J. C. Bell, J. B. Biddleman, George W. Coffey, John A. McGlynn, Lloyd McIntire, Joseph F. Atwill, Stephen Teschmaker, Moses Flanagan, D. K. Miner, Charles Welch, George Clifford.

Mr. Macdonald moved that this Committee do not disperse until they had seen the prisoners manacled and in their cell; that this Committee be divided into three watches, to be on duty two hours at a time; and that the patrol of citizens be subdivided in like manner. And that on Sunday morning at 9 o'clock the Committee meet in this room.

Mr. Brannan said that it was not improbable that an attempt would be made to liberate these prisoners. Undoubtedly they had friends, and with such men wooden walls were no hindrance. The Committee are responsible for their safe keeping. As some of the Committee were absent, he moved that others be substituted. It would be unfair to hold men responsible who were not acting with us. He had pledged his life that these men should be forthcoming to the community, and he did not desire to make people responsible who are not acting with us.

Mr. Payne thought it proper that something should be done. The people demanded it. On Sunday morning the populace would expect some recommendation, and he did not desire to shift from any responsibility.

Mr. Brannan said that the prisoners were here and that they ought to be tried now. He moved that the Committee at once proceed to the investigation.

The Chair ruled the motion out of order. The Committee was not a jury.

Mr. Brannan said that a man was in the house who would identify one at least of these men as guilty of a heinous offence, and he thought it the duty of the Committee to take what testimony could be procured, and report to the citizens in the morning.

Mr. Howard thought that if the men went into court on Monday they would get clear. Such seemed to be the order of the day. Mr. Payne said he understood that the duties of the committee were to make an investigation, and report to the citizens in the morning. If they reported to hang them, they would be hung.

Mr. Macdonald said that the time had come when something must be done. The community had borne long enough with similar outrages. There was no more to be said. To discharge these men; a larger would dare to plead their cause. But he thought that no power was delegated to the committee, except to keep securely the prisoners.

One of the committee was in favor of recommending that the people appoint a jury to try the prisoners.

Mr. Brannan was very much surprised to hear people talk about grand juries, or recorders, or magistrates. He tried to speak to them, but they were as deaf as the walls. I know it, and I will die or see them hung by the neck. I'm opposed to any farce in this business. We had enough of that eighteen months ago, when we allowed ourselves to be the tools of those judges, who sentenced convicts to be sent to the United States. We are the mayor, and the recorder, the hangman and the laws. The law and the courts were yet long a man in California, and every morning we are reading fresh accounts of murders and robberies. He wanted no technicalities. Such things were devised to shield the guilty.

Mr. Bird was called by the Committee, and testified that one of the prisoners (Debeaux) has called himself) was under arrest in Sacramento City a few weeks since, for larceny, and that he had passed himself as James Campbell. He was also charged with murder, committed on the Yuba some time previously. On the Yuba he was better known as James Stuart.

Charles W. Greenman—I arrived here on Thursday afternoon, and in passing up the wharf I saw Stuart and recognized him as having been in my custody at Sacramento City, where he was confined for robbing the office of a lumber merchant in that city. A charge of stealing \$4000 was lodged against him, and also a charge of murder. He was confined in the prison brig and awaiting the arrival of a proper officer to take him to the county where the murder was committed, when he made his escape from the brig. When I last saw Wildred on long wharf, he was playing a "string game." Stuart was charged with a murder at Foster's Bar, and also with one near Marysville.

Messrs. Brannan and Ellis were appointed a committee to question the prisoners.

Mr. F. A. Woodworth was appointed captain of the patrol.

Mr. Brannan, from the committee appointed for the purpose, reported that they had questioned the prisoners; that the prisoners admit that they were acquainted before they came to this country; that they were partners in business in Montgomery street, and that their sign is still up there; that Stuart admits he was at Marysville, and afterwards in Sacramento, but denies that he was ever in the prison brig there, or that he committed the crimes with which he has been charged. Both men cried like children, and protested their innocence.

Resolved, That this committee recommend the people to choose a judge and a jury of twelve men, to use every exertion to obtain what evidence may exist. Let their decision be final as to the guilt or innocence of the accused parties, and so acted upon within fifteen minutes thereafter.

The resolution was not adopted.

Capt. Howard moved that the committee adjourn to meet in the plaza Sunday morning, and report to the citizens that the prisoners are in safe custody.

Mr. Brannan moved as an amendment that a recommendation be made to the citizens that the prisoners be hung at 10 o'clock, on Monday morning.

Upon this amendment the ayes and noes were called, and resulted as follows:

Ayes—Messrs. Brannan, Jones, King and Huie.

Noes—Messrs. Howard, Teschmaker, Folson, Macdonald, Payne and Sibley.

So the amendment was lost.

Mr. Howard's original motion was put and carried in the affirmative.

The committee accordingly adjourned, to meet the citizens in the plaza Sunday morning at 10 o'clock.

The People's Meeting Yesterday.

At an early hour yesterday morning, the people began to assemble again, and at 12 o'clock an immense crowd, numbering perhaps four or five thousand persons, assembled in and around the Court House, rending the air with their shouts and clamor. The meeting was addressed by Mayor GEARY, Recorder TILFORD, Judge PARSONS, and others, generally in favor of law and order, but were listened to with but little attention by the gathering.

The Mayor finally proposed that a committee of twelve be appointed to keep guard over the prisoners, to see them kept in close confinement, and to attend the further examination to-morrow, and look to the full administration of justice. This proposition met with partial favor, and two or three of the committee had been appointed, when a counter movement was started on another part

of the balcony, and the proposition made that a committee of twelve be appointed to report to the meeting then assembled what should be done in the premises. This movement was clamorously adopted, and the following gentlemen appointed such committee:

R. T. Coleman, D. K. Miner, T. J. Smiley, W. S. Watson, James B. Huie, Benj. Ray, W. D. M. Howard, E. E. Dunbar, N. Miller, H. S. Teschmaker.

After a short recess, the committee returned, and recommended that a Judge, Sheriff, and a Jury of twelve citizens be selected, who should at once proceed to the trial of the accused, and that they be dealt by as they should be found innocent or guilty by such tribunal. This proposition was just what was wanted by the crowd, and of course was adopted with the loudest manifestations of satisfaction, and preparations were at once made to carry the recommendation into effect.

Recorder TILFORD was selected by the people as Judge, Judge Shattuck having declined, he being counsel for the defence. A Committee of three was appointed to notify Judge TILFORD of his selection.

CALHOUN BENHAM was nominated Sheriff, and elected, but declined. Mr. JOHN TOWNS was then chosen in his stead.

The Committee to inform Judge TILFORD of his selection, reported that he could not be found. CALHOUN BENHAM was then nominated, but declined, having made up his mind.

J. R. SPENCE was then nominated, elected, and accepted to act as Judge.

The "Court" then assembled in the Recorder's Court Room, and was called to order by the Sheriff. H. RAY BOWIE and CHAS. G. ROSS, were subsequently chosen Associate Judges.

The following citizens were then selected, and sworn as Jurors, to try the issue:

R. S. Watson, W. E. Stoutenbergh, James S. Riddle, George Endicott, D. Page, T. J. S. Smiley, J. B. Schneck, James H. Robinson, S. T. Thompson, J. C. Pelton, George A. Hudson, D. K. Miner.

After the organization of the Court, Mr. McALLISTER stated that he was counsel for Wildred, and that the evidence against him was entirely different from that against Stewart, and therefore asked that they might be tried separately. The court decided to try Stuart first.

E. K. ENNETT was assigned as counsel for the State against the accused.

Justice SHEPHEARD here appeared, and entered his protest against the case being taken out of his hands, and moved the postponement of a further investigation until 2 o'clock, and that this duty had been imposed upon him by the people themselves.

Mr. COLEMAN moved that all counsel be dispensed with, in the case, and that it be tried on its merits before the jury.

Judge SHATTUCK stated that he understood that counsel was to be assigned to the prisoner, and that he had undertaken it.

Mr. COLEMAN contended that there should be no counsel—no lawyers with their long speeches and law from the time of Moses, and that it should not be allowed. [Loud cheering.]

Judge SHATTUCK protested against such a trial, or farce, and resigned his selection as counsel, but finally concluded to go on.

D. K. MINOR, one of the jury, contended that the case should go on, and nominated Mr. COLEMAN as counsel for the people.

The appearance of the prisoners was here demanded by the people. Mr. Coleman opposed it—they were safe in custody and could not escape. He then addressed the jury, stating that he would arraign Stewart, charged first with murder, and afterwards with burglary and robbery. The trial was then proceeded with, and

Mr. T. PAYNE was sworn—Knows only of Stewart's identification from the testimony taken on the examination before Justice Sheppard; knows of his assault on Mr. Jensen only from the investigation in the matter.

The counsel for the defence here contended that no evidence could be given by the witness in the matter, and none at all without the presence of Mr. Jensen.

Mr. Coleman desired that a committee should be appointed to wait on Mr. Jensen and take his statement, and the committee shall then report to the court, and in the mean time other testimony could be taken. The jury then proposed to visit Mr. Jensen, after hearing all the other evidence. Mr. Coleman contended against using law or its technicalities, in their investigations. He wanted a prompt examination of the case, and speedy justice—summary justice. (Voice from the crowd, "go on with the evidence, never mind the speeches.")

Mr. PAYNE, resumed—Monday night, 19th of February, 8 o'clock in the evening, returned to his store, and found a crowd in it, and saw Mr. Jensen sitting in the back part, his head and face all covered with gore; found he had been assaulted and robbed of 2000 dollars; found a slung shot there. Mr. Wildred, who was arrested with Stewart, was brought into Mr. Jensen's room; he was asked if the man or men was in the room who assaulted him; he pointed to Stewart, and said "that was the man," and that the other resembled the man. The men were described by Mr. Jensen before their arrest, one a short man and the other a tall one, and that his description corresponded with the appearance of the men. The attack

was made, according to Mr. Jensen's statement, by two men, by their coming into the store, inquiring for some blankets, and after a moment Mr. Jensen was about to take a candle to show them the articles, when one of them said "Now," and immediately he was struck in the head with a slung shot by the short man, and struck again and beat down senseless, when the robbery was committed and the men escaped.

Mr. J. then managed to crawl to the back door and shout for some one, and a number rushed in, and when Mr. J. identified the man he did it thus—"To the best of my knowledge that is the man," meaning Stewart. When the prisoner was requested to pull his hat over his brow, Mr. J. identified him a little closer; his hat was a peculiar one, broad brim and round top. The tall man wore a cloak.

Direct resumed.—The same man that is now in custody as James Stewart is the same man that was brought before Mr. Jensen and identified by him. I have since seen blood on the right shoulder of Stewart's coat, and I think on his elbow. I found the slung-shot in Mr. Jensen's store the next morning—it was covered with blood, and a peculiar one—it was found

broken.—The money stolen was gold and silver in bags.—Mr. J. did not identify any one more strongly than Stewart.

ROBERT REED, Sworn.—On Wednesday evening last, about 8 o'clock, I left my office, and as I got near Mr. Jensen's store, I saw four men standing near Mr. J.'s store, but they said nothing; I went off two rods, the men then went into the street. The next morning, I recognized or nearly so, the tall prisoner, Wildred, as one of the men I saw in the street the night previous, opposite Mr. J.'s store. The tall man had on a cloak or coat, and resembled Wildred. I passed them, and on my return about 9 o'clock, I heard of the outrage, and then thought of the men I saw opposite the store and in the middle of the street, there were seven men there—four on the side-walk near the boxes and door of Mr. J.'s store, and three in the street; I passed close to the three in the street; one was a tall man, and one a short man.

Mr. C. L. ROSS Sworn.—I am informed me that the prisoners under examination had been to his room, and that he said "he believed they were the men." There were some dozen persons in Mr. J.'s room at the time when examined before Justice Sheppard, when asked if he could swear they were the men, he said he "could not swear positively they were the men, but believed they were."

Wm. H. JONES Sworn.—The men were examined in Mr. J.'s room. Mr. J. remarked "that is the man," and when the man put his hat on he said "the resemblance is still greater." I noticed on Stewart's elbow a spot of blood and called the attention of Judge TILFORD to it; it must have got there from the contact of the elbow with some blood on a canvas in J.'s store, which was saturated with blood at the time of the assault. After Mr. J. was knocked down, he was kicked on the top of his head which broke his skull. Mr. J. identified the coat and the hat of Stewart. The money stolen was in two bags, one gold and the other silver. The gold was in twenty, sixteen and five dollar pieces, American and California coin.

CHARLES G. TREUMANN, Sworn.—I am a police officer in Sacramento City. I arrested Stewart

[At this stage, the tumult of the crowd outside, as well as within, was such as to utterly preclude our reporter from hearing another word of the testimony of the witness.]

Wm. A. GAMBLE, Sworn.—Knew Stewart up in the mines by the name of Thomas; did not know Wildred; so far as I know Thomas he appeared an honest and quiet man. I know that the man named Stewart, in custody, is not the man that shot the Sheriff at Auburn; I was close by when he was shot. I knew Thomas at Auburn Digging.

Capt. MAGILLIBERT, Sworn.—Keeps a lumber yard in Sacramento City; knows one of the prisoners now in custody, Stewart, as the man who once committed a robbery in Sacramento City.

JOHN A. GLEN Sworn.—Has seen Stewart; identifies him as the man who was once tried for murder at Foster's Bar, Yuba river. He has also committed various robberies, one of \$4000. He was arrested for stealing clothes, and confessed the robbery, and to prevent being lynched, gave bail in \$500, among which were several specimens of the \$4000 that he had previously stolen. He went by the name of Stewart there. Have no doubt but that the man now in custody is Stewart.

JAMES CHARLEY, Sworn.—I am from London; have seen the prisoner below, and he is not the man that was tried at Foster's Bar for murder, known as the man Stewart.

The court here adjourned, and the jury paid a visit to Mr. Jensen. During the recess, speeches were made by various persons, from the balcony of the Hall.

On the re-appearance of the jury in the evening Judge SHATTUCK addressed them in defense of the prisoners, and called upon them to have a care in this great matter of shielding human blood without proper reflection.

Mr. COLEMAN then addressed the jury on the part of the people, recapitulating the testimony, and urging upon the jury a prompt decision, according to the evidence. Both counsel again addressed the jury, when the case was submitted under the following

CHARGE OF THE "JUDGE"

The Court informed that the party defendant has been clearly identified by the plaintiff or sufferer, as the person who committed in connection with others an assault, burglary and robbery on the plaintiff and his premises on the 19th February. The people have now rose in their majesty, and disclaiming and disavowing the ordinary forms of law as insufficient and inadequate to mete out proper justice, have constituted a jury to pronounce upon his guilt, and to award his punishment. This case is with you the elected of the citizens—it is for you to decide. Whatever sentence you demand will be pronounced by the Court appointed by your fellow-citizens. They however, request of you the most careful and deliberate consideration. They ask you to consider that a mistake in this case is fatal to the life of the prisoner. You are not to be guided by the law, and constituting your own judge and jury of a mind. Once destroy our government, to try whom we have appointed a certain term in violation of the constitution and the laws of the land, and of the Constitution of the United States, we have all agreed to submit to your decision, gentlemen of the jury. In overruling the law, we expose ourselves to violence and insult—our property to the power of every man who may choose to invade it. Once destroy our government, and we are at the mercy of every ruffian who may have strength enough to assault us. Ponder, therefore, carefully on this case, and decide as men who must live. The court pledges themselves to render faithfully to your fellow-citizens your verdict. If you say hang him, you must take the responsibility, and so be his executioner, in the present case, gives as the extreme penalty, fifteen years imprisonment.

After an absence of an hour or more, the jury came into court, and said they could not agree—nine being for conviction, and three for acquittal. The jury were then discharged, and the "Court" dissolved, amidst the angry growlings of the multitude, speeches still continuing to be made at various points in the crowd.

Meeting at Midnight.

After the adjournment of the "Court" last night, a meeting was called of those in attendance. Capt. J. P. HUTTON was chosen Chairman, and a motion made and carried to adjourn to the street. It was here expected by those rampant for hanging the prisoners, that they would receive a great impulse, which had been dampened by the jury's charge and the disagreement of the jury. But here, too, they were again disappointed. The Chairman served only to make a speech in favor of an observance of law and order, and telling the people they must obey their pledge to abide by the decision of the jury of their own selection. There were many curses among the crowd on their defeat at every point. Our reporter left another speaker delirious to the people to be peaceable, and abide by the law in regard to these men.

From Gold Bluff.

The propeller Gen. Warren arrived on Saturday morning from Trinidad, bringing 23 passengers. She made the trip from Trinidad Bay to this port in 48 hours.

Many of those who have returned, have done so for the purpose of taking up mules, provisions, mining tools, &c., all of which bring good prices. From a gentleman who came down in the Warren, we learn that mules were selling at prices ranging from \$250 to \$400, and that the rates of packing from Trinidad to Salmon Creek and Scott River, was two dollars per pound.

